

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## **DETERMINATION OF NEPA ADEQUACY (DNA)**

### ***Rio Blanco County Road 5 Stock Pass 4 Improvements*** **DOI-BLM-CO-N05-2016-0068-DNA**

#### **Identifying Information**

**Project Title:** Rio Blanco County Road 5 Stock Pass 4 Improvements

**Legal Description:** Sixth P.M., Colorado, T. 3S., R. 96W., sec. 3, S½NE¼.

**Applicant:** Rio Blanco County

**Casefile/Project Number:** COC74740 and COC74740-03

#### **Conformance with the Land Use Plan**

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

**Land Use Plan:** White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

**Date Approved:** July 1997

**Decision Language:** "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values." (page 2-49)

#### **Proposed Action**

##### ***Project Components and General Schedule***

Rio Blanco County (RBC) has been making improvements to County Road (CR) 5 along the entire 43-mile route, from State Highway (SH) 13 to SH 64, by implementing a series of improvement projects designed to make the roadway safer and able to accommodate heavy equipment transport. RBC Road 5 is the primary route in the Piceance Basin, providing access to residential, agricultural, and recreational land uses and potential oil and gas deposits in the Roan Plateau.

The Environmental Assessment (EA) cited below covered a series of six improvement projects that included widening, passing lanes, intersection improvements at CR 5 and SH 64, a bridge

replacement, and replacement of 17 stock passes. The proposed replacement of Stock Pass 4 was analyzed throughout the document.

The existing ROW for this portion of CR 5 is authorized in COC7700 and is 80 feet wide. A FLPMA ROW grant would be issued as an amendment to COC76740, replacing this existing RS2477 ROW and would widen a portion of the existing road to accommodate the approaches to the stock pass. It would be an irregular shaped parcel approximately 1,680 feet long with a maximum width of 120 feet and a minimum width of 80 feet. The existing ROW covers 3.043 acres, with an additional 0.731 acres proposed, for a total of approximately 3.775 acres on BLM lands. In addition to the permanent ROW, there would be two temporary work areas for borrow and the stock pass installation. These temporary work areas would be issued under ROW grant COC74740-03 for a three year term. Both proposed temporary work areas are irregular shaped parcels, one containing approximately 0.202 acres, and the second approximately 0.078 acres, for a total temporary work area of 0.28 acres. In total, including acreage from the adjacent private property, this project would be approximately 5.738 acres, 4.055 on BLM lands.

The existing roadway extends from milepost 15.1 to milepost 15.3, and includes 2 12-foot wide lanes and shoulders that range from 0 to 2-feet in width. Proposed improvements would include 2 12-foot lanes and 2-foot shoulders. In addition, existing horizontal and vertical curves would be improved to current standards, improving safety and better accommodating the 50 miles-per-hour speed limit. One existing culvert in this stretch of roadway would be replaced and/or lengthened to accommodate the increased roadway width. The existing stock pass would be replaced with pre-cast 8-feet by 8-feet concrete box culverts. This is a reduction in size from the original project description contained in the environmental assessment, which included 10-feet by 10-feet culverts. This reduction in size still accommodates agricultural uses, but reduces the impacts to existing access points and adjacent land uses. Construction is proposed to begin in May 2016, with a November 2016 completion date. All accesses would be maintained during construction.

### ***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will

be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

## **Review of Existing NEPA Documents**

**Name of Document:** White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

**Date Approved:** June 1996

**Name of Document:** DOI-BLM-CO-110-2011-0032-EA

**Date Approved:** July 06, 2012

## **NEPA Adequacy Criteria**

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document? If there are differences, can you explain why they are not substantial?

*The Proposed Action is a feature of the existing NEPA document. The project is within the same analysis area with only minor changes to the ROW description.*

2. Is the range of alternatives analyzed in the existing NEPA document appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?

*Two alternatives (Proposed Action and No Action Alternative), covering a reasonable range of alternatives, were analyzed in DOI-BLM-CO-110-2011-0032-EA. No reasons were identified to analyze additional alternatives, and these alternatives are considered to be adequate and valid for the Proposed Action.*

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?

*Review by BLM WRFO specialists in this document (DOI-BLM-CO-N05-2016-0068-DNA) did not indicate recent endangered species listings or updated lists of BLM-sensitive species that would be affected by the Proposed Action.*

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

*Review by BLM WRFO specialists in this document (DOI-BLM-CO-N05-2016-0068-DNA) did not indicate there would be any direct, indirect, and cumulative effects from the Proposed Action that were not adequately addressed in DOI-BLM-CO-110-2011-0032-EA.*

5. Is the public involvement and interagency review associated with existing NEPA documents adequate for the current Proposed Action?

*Internal scoping was initiated when the project was presented to the White River Field Office (WRFO) interdisciplinary team on 1/26/2016. External scoping was conducted by posting this project on the WRFO's on-line NEPA register on 1/26/2016. As of 3/30/2016, no comments or inquiries have been received.*

## **Interdisciplinary Review**

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 1/26/2016. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

| Name           | Title                                  | Resource   | Date      |
|----------------|--|--|-----------|
| Brian Yaquinto | Archaeologist                          | Cultural Resources, Native American Religious Concerns | 2/1/2016  |
| Lisa Belmonte  | Wildlife Biologist                     | Special Status Wildlife Species                        | 3/15/2016 |
| Matt Dupire    | Ecologist                              | Special Status Plant Species                           | 3/29/2016 |
| Keesha Cary    | Realty Specialist                      | Project Lead   | 3/30/2016 |
| Heather Sauls  | Planning and Environmental Coordinator | NEPA Compliance  | 3/30/2016 |

**Cultural Resources:** Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations found at 36 C.F.R. Part 800, requires Federal agencies to take into account the effects their actions would have on cultural resources for any endeavor that involves Federal monies, Federal permitting or certification, or Federal lands. The project area has been previously surveyed multiple times at the Class III (100 percent pedestrian) level. Three previously recorded historic sites, a ranch, and two ditch segments occur with or overlap the project area. Site 5RB4159 is Oldlands Spur Centennial Ranch, and it has been deemed officially eligible by the State Historic Preservation Officer. Both ditch segments 5RB5637.2 and 5RB6343.1 are considered non-supporting elements of a not eligible site and a needs data site, respectively.

While 5RB.4159, the historic centennial ranch is deemed officially eligible, the visual impacts to the site have previously occurred by the construction and maintenance of the modern county road through the site boundary. The proposed construction work will directly affect the site; however, this effect will not be adverse. No building structures will be impacted by the construction and any negative impacts have already taken place along the existing CR 5 road edge. The alignment for ditch segment 5RB 5637.2 was updated with this project, placing its course out of the proposed area of potential effect and no further work is recommended. Ditch 5RB6343.1 will be directly affected by the proposed project; however, it has been evaluated as a non-supporting segment, and no further work is recommended.

**Native American Religious Concerns:** No Native American religious concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

**Threatened and Endangered Wildlife Species:** There are no threatened or endangered animal species that are known to inhabit or derive important use from the area. An active bald eagle nest, which is considered a BLM sensitive species, is located approximately 0.50 miles from the project area. Most bald eagles begin nesting in January, with young fledged by mid-July. As such, construction will occur outside of this nesting timeframe. There are no additional wildlife concerns outside of those addressed in the original environmental assessment.

**Threatened and Endangered Plant Species:** In June 2015 WestWater Engineering conducted special status plant species surveys around the project area. No special status species were found within 600 meters of the project area. Geologic formations in the area did include 43 acres of

black sulphur tongue of the green river formation which is considered marginally suitable habitat for Dudley Bluffs twinpod and Dudley Bluffs bladderpod. The nearest known occupied habitat for Dudley Bluff twinpod is 7.9 miles northwest of the project area and the nearest known Dudley Bluffs bladderpod is 6.5 miles northwest of the proposed project. There are no expected direct or indirect impacts to special status plants as a result of the Proposed Action.

## Mitigation

1. Construction impacts to soil resources will be minimized by implementing measures for handling topsoil and subsoil, erosion control, compaction, and reclamation. These measures are included in construction plans and the SWMP and consist of stabilization and reclamation activities.
2. In accordance with BLM (and Rio Blanco County) standards, at the completion of construction all disturbed areas will be recontoured and seeded with a native seed mix to initiate revegetation. Reclamation work and seeding would need to occur between September and March. Depending on the site, fencing reclaimed areas may be necessary to be installed by the contractor to keep livestock out of the area until seeded vegetation is established. Rio Blanco County will be responsible for installation and maintenance of this fencing and its removal when vegetation is adequately established (two to three growing seasons).
3. All activities shall comply with all applicable local, State, and Federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required Federal, State, and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.
4. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
5. A specific project based approval (i.e., Notice to Proceed) shall be issued after the necessary updated resource surveys and consultation with SHPO and FWS are completed for that project and before construction begins.
6. Rio Blanco County shall follow the applicant committed mitigation in the attached Exhibit A.
7. No construction will be permitted from December 15 – July 15 to avoid the bald eagle nesting period.

## Tribes, Individuals, Organizations, or Agencies Consulted

Consultation was initiated with the State Historic Preservation Officer (SHPO) under the original EA DOI-BLM-CO-110-2011-0032-EA. The SHPO concurred with the BLM, at this time, that a finding of *no adverse effect* was appropriate for the project. Additional SHPO consultation was carried out with the SHPO for the Proposed Action, on October 22, 2015. The BLM still maintains a finding of *no adverse effect* for the project, and no objections were received from SHPO.



## Conclusion

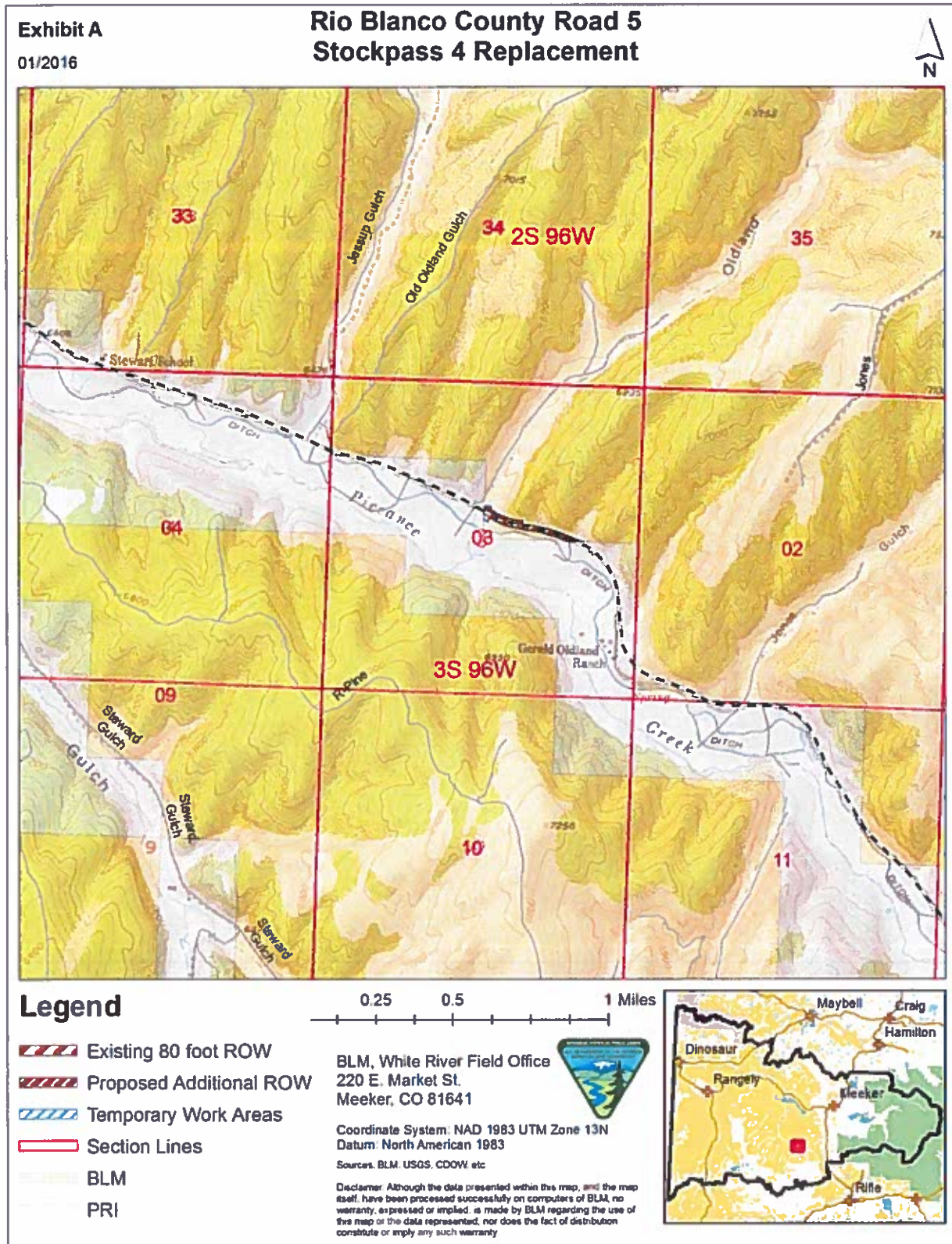
Based on the review documented above, I conclude that this proposal conforms to applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

Hansen Brown ACTING

per Field Manager

4/1/2016  
Date

## Appendix A. Figures





U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## DECISION RECORD

*Rio Blanco County Road 5 Stock Pass 4 Improvements*  
**DOI-BLM-CO-N05-2016-0068-DNA**

### Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2016-0068-DNA (and the applicant-committed mitigation measures in Exhibit A), authorizing the construction, operation, and maintenance and termination of Stock Pass 4, the permanent widening of the road in this area and the temporary work area associated with this work.

### Mitigation Measures

1. Construction impacts to soil resources will be minimized by implementing measures for handling topsoil and subsoil, erosion control, compaction, and reclamation. These measures are included in construction plans and the SWMP and consist of stabilization and reclamation activities.
2. In accordance with BLM (and Rio Blanco County) standards, at the completion of construction all disturbed areas will be recontoured and seeded with a native seed mix to initiate revegetation. Reclamation work and seeding would need to occur between September and March. Depending on the site, fencing reclaimed areas may be necessary to be installed by the contractor to keep livestock out of the area until seeded vegetation is established. Rio Blanco County will be responsible for installation and maintenance of this fencing and its removal when vegetation is adequately established (two to three growing seasons).
3. All activities shall comply with all applicable local, State, and Federal laws, statutes, regulations, standards, and implementation plans. This includes acquiring all required Federal, State, and/or local permits, effectively coordinating with existing facility ROW holders, and implementing all applicable mitigation measures required by each permit.
4. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
5. A specific project based approval (i.e., Notice to Proceed) shall be issued after the necessary updated resource surveys and consultation with SHPO and FWS are completed for that project and before construction begins.

6. Rio Blanco County shall follow the applicant committed mitigation in the attached Exhibit A.
7. No construction will be permitted from December 15 – July 15 to avoid the bald eagle nesting period.
8. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
9. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
10. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
11. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
12. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

## **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

## **Environmental Analysis and Finding of No Significant Impact**

The Proposed Action was analyzed in DOI-BLM-CO-110-2011-0032-EA and it was found to have no significant impacts, thus an EIS is not required.

## **Public Involvement**

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on 1/26/2016. No comments or inquiries have been received.

## **Rationale**

Analysis of the Proposed Action has concluded that there are no significant negative impacts and that it meets Colorado Standards for Public Land Health. RBC Road 5 is the primary route in the Piceance Basin, providing access to residential, agricultural, and recreational land uses and potential oil and gas deposits in the Roan Plateau. The implementation of these improvement projects will make the roadway safer and able to accommodate heavy equipment transport.

## **Monitoring and Compliance**

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

## **Administrative Remedies**

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

**Signature of Authorized Official**

*James Dean* **ACTING**  
for Field Manager

*4/1/2016*  
Date



## **Exhibit A – Applicant Committed Mitigation**

### **Air, Water, Soils**

1. Prior to construction, Rio Blanco County will prepare a project-specific mitigation plan to minimize air quality impacts and will obtain the appropriate permits from the Colorado Department of Public Health and Environment (CDPHE) for individual CR 5 improvement projects where necessary.
2. As individual CR 5 improvement projects are developed, coordination with BLM will be undertaken for work near water bodies deemed to be “functional at-risk” or “nonfunctional” to ensure that no further degradation occurs as a result of the project, including:
  - Providing for erosion-resistant surface drainage by adding necessary drainage facilities prior to rain or snow events. When erosion in disturbed areas is anticipated, sediment barriers would be constructed to slow runoff, allow deposition of sediment, and prevent it from leaving the site. Locate culverts or drainage dips (waterbreaks) in such a manner as to avoid discharge onto unstable terrain such as headwalls or slumps. Provide adequate spacing of these drainage features to avoid accumulation of water in ditches or road surfaces. Rio Blanco County will patrol areas susceptible to road or watershed damage during and after periods of high runoff and monitor culvert installations to ensure proper placement and adequate armoring of inlets and outlets.
  - Rio Blanco County will keep road inlet and outlet ditches, catchbasins, and culverts free of obstructions, particularly before and during spring runoff.
  - Leave the disturbed area in a condition that provides drainage with no additional maintenance.
  - Rio Blanco County will work with individual landowners to reroute irrigation ditches to maintain agricultural production and decreed flows.

### **Farmland, Wetlands, Vegetation, Weeds, T&E Plants**

3. Rio Blanco County will work with individual property owners to reroute irrigation ditches and return them to a functional state so agricultural production will not be disrupted. Prime farmland soils would be avoided when reasonably possible. All areas within prime farmland soils compacted by construction operations which would no longer be needed after construction would be restored and topsoil would be returned to pre-construction depths and locations.
4. Rio Blanco County will minimize impacts to wetlands and riparian areas by implementing the following mitigations measures:
  - Obtain a Section 404 permit from the USACE for activities that would require removal or modification of stream channels classified as waters of the U.S. For approval of the project, the project will need to avoid and minimize impacts to waters of the U.S. to the extent practicable.
  - Install and maintain erosion control structures to minimize potential for sediment runoff into surface waters or drainages.

- Prohibit storage of hazardous materials, chemicals, fuels, lubricating oils, concrete coating, and refueling activities within 200 feet of wetland or riparian areas.
5. Construction activities would comply with BLM and Rio Blanco County stipulations to reduce the potential occurrence and proliferation of invasive and non-native species. As individual projects are developed, site-specific surveys for noxious weeds and weed free areas will be developed in accordance with Section 261 of the Rio Blanco County Land Use Resolution. Site-specific noxious weed treatment and monitoring plans will also be developed and disturbed areas would be revegetated.
  6. BLM would require compliance with the following stipulations to lessen the potential impact from noxious and invasive plant species:
    - Construction equipment to be washed prior to entering the project area. Additionally, when construction activities encounter a noxious weed infestation, equipment should be washed before proceeding (and spreading the weeds) beyond the immediate area.
    - Conduct pre-work weed surveys.
    - Continuously survey weeds before the project is started in the spring and after the project is completed in the fall and ensure that all hay, straw, and seed used for reclamation is certified free of noxious weeds.
    - Treat weeds using BLM approved methods along the right-of-way if weeds are detected. For weed treatments on BLM lands, Pesticide Use Proposals (PUPs) would be completed and approved by the WRFO. Pesticide Application Records (PARs) would be submitted to WRFO by October 31st every year weed treatments occur.
  7. For projects 1, 5a, 6, 2a, and stock pass locations 1 through 9 **spot checks** for both Dudley Bluffs bladderpod and Dudley Bluffs twinpod were completed in the spring of 2011 to determine potential affects. For projects 4, 5b, and stock pass locations 13 through 17 **surveys** were completed in 2011 to determine the potential effect. Informal consultation would be required for all projects within 600 meters of the listed plant species and would be conducted after spring surveys. If a plant population is found within 200 meters of these project areas during spring surveys; formal consultation with FWS would be required.
  8. In order to minimize potential impacts on rangeland and livestock, Rio Blanco County will require mitigation measures that include the following:
    - Seed disturbed areas as discussed in the Vegetation section.
    - Control noxious weeds as discussed in the Invasive, Non-Native Species section.
    - Wherever heavy traffic is expected, it may be necessary to install cattleguards with adjacent gates. Cattleguards would be installed above the existing grade and all such cattleguard/fence work would conform to BLM/CDOW specifications.

## **Wildlife**

9. Rio Blanco County will require that the construction water provided by the contractor is obtained from Piceance Creek or White River in accordance with the stipulations in the PBO and is recorded accordingly with the COSO. Any necessary permits to withdraw water will be obtained by the contractor.
10. Raptor surveys will be conducted prior to construction of individual improvement projects, should construction occur during nesting season (December 15 – August 15 or until young have fledged). Surveys will be conducted using approved BLM survey protocol and results will be provided to BLM biologists prior to initiation of construction activities. Appropriate timing stipulations would be applied depending on nest status, proximity of nest to construction activities, and whether or not construction activities are coincident with the nesting season (TL-01, 02, 04 and NSO-02, 03, 05). These timing stipulations would be subject to exception/modification provisions addressed in the WRFO RMP. The BLM timing restrictions will also be implemented for active raptor nests outside of BLM lands and in accordance with the Migratory Bird Treaty Act (MBTA).
11. Retaining walls will be constructed to avoid direct effects to the creek. Erosion control measures and BMPs will be implemented to prevent sediment from entering the creek.
12. When implementing individual CR 5 improvement projects, Rio Blanco County will coordinate with BLM to ensure that fish are provided adequate passage with larger culverts or major structures and measures will be taken to prevent sediment from entering water bodies where fish populations are present. The bridge replacement at Project 4 would be designed to provide safe fish passage.
13. No construction activities will be allowed from January 1 through April 30 to avoid unnecessary disturbance on mule deer severe winter ranges. All wildlife crossings and fencing associated with the Proposed Action will be designed to facilitate big game crossing of the CR 5 corridor. All design features for big game crossings and fencing (new or replacement) must be approved by CDOW and BLM prior to installation.

## **Wastes, Hazardous and Solid**

14. Rio Blanco County will follow the Colorado Department of Transportation Standard Specifications for Road and Bridge Construction, Section 250, to minimize impacts from hazardous or solid waste (CDOT 2011). The following measures will be required of the construction contractor:
  - Comply with all federal, state and/or local laws, rules, and regulations addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment.
  - Maintain construction sites and all facilities in a sanitary condition at all times; promptly dispose of waste materials at an appropriate waste disposal site.
  - Report all emissions or releases that may pose a risk of harm to human health or the environment to the BLM White River Field Office at (970) 878-3800.

- Provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the release of any substance that may pose a risk of harm to human health or the environment.
- Prepare a spill prevention plan according to construction specifications.

## **Cultural, Paleontology**

15. Mitigation of the impact to the ditch segments will include reconstruction of the disturbed portion of the ditch along the side of CR 5, thus maintaining their integrity of setting, feeling, and association. It is possible that important cultural resources not visible on the surface could be encountered during the construction of the project facilities. To mitigate potential impacts to such resources, the following measures would be implemented to modify the Proposed Action:

- The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing archaeological sites, or for collecting artifacts.
- If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The proponent will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed.
- Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Officer, select the appropriate mitigation option within 48 hours of the discovery. The proponent, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs.
- The BLM will forward documentation to the SHPO for review and concurrence.
- Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), activities in the vicinity of the discovery would be stopped and protected for 30 days or until notification to proceed is received from the AO.
- Sites 5RB.123, 5RB.2658, 5RB.3403.2 (formerly 5RB.3753.1), 5RB.3403.3 (formerly 5RB.3753.2), 5RB.4159.1, 5RB.4773, 5RB.5360.2, 5RB.5636.1, 5RB.5636.2, 5RB.6341, and 5RB.6342 will be avoided by all ground disturbing activity. Shapefiles or maps of these site boundaries will be provided to authorized project personnel by WRFO archaeologists, upon request. If further review of refined project location data, contrary to the BLM's analysis of available inventory data, indicates that any of these sites could potentially be impacted by construction



activities, the operator may 1) modify the project area to fully avoid the site boundaries as recorded, 2) retain an archaeological contractor to monitor construction, who will provide addendum reports to the BLM demonstrating that the extent of surface disturbance fully avoided the presently-recorded or refined boundaries of the sites noted above, or 3) retain an archaeological contractor to develop a Treatment Plan for the affected site(s), which will serve as the basis for a Memorandum of Agreement between the BLM and SHPO regarding possible damage to historic properties. Under the latter option, the operator must avoid ground disturbing activities in the vicinity of the affected site(s) until an agreement has been reached between the BLM and Colorado SHPO over treatment of the affected site(s) or all responsibilities under NRHP Section 106 have otherwise been fulfilled.

16. Any excavations into the underlying bedrock (native sedimentary stone) must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock. The following stipulations would be required for construction:

- The holder is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
- If any paleontological resources are discovered as a result of operations under this authorization, the proponent or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.
- Any excavations into the underlying native sedimentary stone must be monitored by a permitted paleontologist. The monitoring paleontologist must be present before the start of excavations that may impact bedrock.

#### **Visual, Recreation, Access, Transportation**

17. Contractors will be required to minimize fugitive dust and maintain construction areas by storing trash and other materials and siting slash/debris piles in low visibility areas if possible.
18. Information regarding construction projects (specifically, detours or construction delays) will be posted by Rio Blanco County and BLM.

19. A construction phasing plan would be implemented for the CR 5 projects to maintain vehicular access for the duration of construction. Construction documents would require the contractor to maintain at least one lane of traffic open at all times during the day and, when possible, two lanes open during non-working hours. Information related to the project construction schedule and location will be made available via Rio Blanco County and BLM websites.

#### **Fire, Forestry**

20. County Road 5 will be open throughout construction on all projects. Potential impacts to access for fire fighting will be mitigated through limited roadway blocks or detours during the fire season from late-August through mid-September; however, access to adjoining county roads and BLM trails would be maintained to allow for emergency vehicles and fire management.
21. Contractors will be required to have an approved project specific fire management plan for accidental ignitions prior to starting work at any construction site. During construction, there shall be fire suppression equipment ready for use in the event of an accidental fire ignition as a result of construction. Fire suppression actions shall be taken in the area as directed by project specific fire management plan. In the event of an accidental ignition or natural ignition resulting in a wildland fire involving vegetation, the contractor or a representative will contact Craig Fire Dispatch so that a qualified fire crew can evaluate the situation for the safety of all crews in the area and determine the appropriate management action. If a fire extinguisher has been used, the contractor must tell the incoming crews the location of use to prevent accidental inhalation.